

HB1019 L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB13-1019 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1. Short title - legislative declaration.** (1) This act  
4 shall be known and may be cited as the "Regulatory Reform Act of 2013".

5           (2) The general assembly finds and determines that Colorado's  
6 business community consists overwhelmingly of small businesses with  
7 five hundred or fewer employees. These businesses make up the majority  
8 of the business activity in Colorado and employ tens of thousands of  
9 Coloradans. The general assembly further finds and determines that there  
10 is a disconnect between the promulgation of new rules that carry a  
11 financial penalty for noncompliance and the education and awareness of  
12 small business owners about new requirements. Most often, a small  
13 business owner may not be aware of new rules until someone from a state  
14 agency audits the business and determines it has not complied with new  
15 regulatory directives. The general assembly, therefore, declares that it  
16 would benefit businesses of five hundred or fewer employees in this state  
17 if the enforcement activities of state agencies for first-time minor  
18 violations of new rules were focused on educating and training small  
19 businesses to comply with new rules rather than on punishing first-time  
20 violators for noncompliance.

21           **SECTION 2.** In Colorado Revised Statutes, 24-4-102, **add** (8.5)  
22 and (8.7) as follows:

23           **24-4-102. Definitions.** As used in this article, unless the context  
24 otherwise requires:

25           (8.5) "MINOR VIOLATION" MEANS A VIOLATION OF A NEW RULE BY  
26 A BUSINESS OF FIVE HUNDRED OR FEWER EMPLOYEES, WHICH VIOLATION  
27 IS MINOR IN NATURE, INCLUDING OPERATIONAL OR ADMINISTRATIVE  
28 MATTERS SUCH AS RECORD-KEEPING, RETENTION OF DATA, OR FILING OF  
29 REPORTS THAT DO NOT AFFECT PUBLIC SAFETY AND THAT CARRIES A  
30 FINANCIAL PENALTY FOR NONCOMPLIANCE. "MINOR VIOLATION" DOES NOT  
31 INCLUDE ANY MATTER THAT PLACES THE LIFE SAFETY OF THE PUBLIC,  
32 WORKERS, OR OTHERS AT RISK AND DOES NOT APPLY TO STATE-ISSUED  
33 PERMITS, LICENSES, OR REGISTRATIONS; MATTERS RELATED TO BIDDING ON  
34 STATE CONTRACTS; ACTIVITIES REQUIRED BY FEDERAL LAW; OR THE  
35 ENFORCEMENT ACTIVITIES OF THE ADMINISTRATOR OF THE "UNIFORM  
36 CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5, C.R.S.,  
37 DESIGNATED BY THE ATTORNEY GENERAL UNDER SECTION 5-6-103, C.R.S.



1 (8.7) "NEW RULE" MEANS A REGULATORY REQUIREMENT FIRST PUT  
2 INTO PLACE BY AN AGENCY LESS THAN ONE YEAR PRIOR TO ITS  
3 ENFORCEMENT BY THE AGENCY AGAINST A BUSINESS WITH FIVE HUNDRED  
4 OR FEWER EMPLOYEES.

5 **SECTION 3.** In Colorado Revised Statutes, add 24-4-104.6 as  
6 follows:

7 **24-4-104.6. Special enforcement provisions - new**  
8 **requirements - minor violations - written warnings - educational**  
9 **outreach.** (1) EACH STATE AGENCY THAT REGULATES BUSINESSES OF FIVE  
10 HUNDRED OR FEWER EMPLOYEES SHALL, IN THE COURSE OF NORMAL  
11 OPERATIONS, DEVELOP FACT SHEETS FOR NEW RULES ADOPTED IN EACH  
12 FISCAL YEAR AND MAKE THESE FACT SHEETS AVAILABLE TO BUSINESSES  
13 OF FIVE HUNDRED OR FEWER EMPLOYEES THAT HAVE BEEN FOUND TO BE  
14 IN VIOLATION OF NEW RULES IN ORDER TO ACCELERATE THE AGENCY'S  
15 EDUCATIONAL PROCESS AND AID IN COMPLIANCE WITH NEW RULES. EACH  
16 AGENCY MAY MAKE THIS INFORMATION AVAILABLE IN ELECTRONIC FORM  
17 SO LONG AS THE AGENCY MAKES EFFORTS TO INFORM BUSINESSES OF FIVE  
18 HUNDRED OR FEWER EMPLOYEES WHERE ON THE INTERNET THEY MAY FIND  
19 THE INFORMATION.

20 (2) FOR ANY FIRST-TIME MINOR VIOLATION OF A NEW RULE BY A  
21 BUSINESS OF FIVE HUNDRED OR FEWER EMPLOYEES, IN LIEU OF A FINE OR  
22 PENALTY, A STATE AGENCY SHALL ISSUE A WRITTEN WARNING TO THE  
23 BUSINESS AND CONDUCT EDUCATIONAL OUTREACH TO INFORM THE  
24 BUSINESS OF THE METHODS OF COMPLYING WITH THE NEW RULE.

25 **SECTION 4. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August  
28 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
29 referendum petition is filed pursuant to section 1 (3) of article V of the  
30 state constitution against this act or an item, section, or part of this act  
31 within such period, then the act, item, section, or part will not take effect  
32 unless approved by the people at the general election to be held in  
33 November 2014 and, in such case, will take effect on the date of the  
34 official declaration of the vote thereon by the governor."

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